

**IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA.**

R.S.A. No. 21 of 2006.

Judgement reserved on:

Date of decision : May 8, 2006.

Smt. Suti Devi

..... Appellant.

Versus

Haria alias Hari Singh

..... Respondent.

Coram

The Hon'ble Mr. Justice Surjit Singh, Judge.

Whether approved for reporting?

For the appellant:

Ms. Monika Joshi, Advocate.

For the respondent:

Mr. Baldev Singh, Advocate vice Mr.
Peeyush Verma, Advocate.

Surjit Singh J. (Oral).

Heard and gone through the record. Plaintiff-respondent Haria alias Hari Singh filed a suit seeking an injunction restraining the respondent from causing any interference in his possession over land measuring 9 Bighas 9 Biswas 6 Biswansis, bearing khasra Nos. 688, 689, 690, 691, 694, 692 and 693. It was alleged that the plaintiff alongwith some other persons recorded as co-owners in the revenue papers, was joint owner in possession of the above described property, but the present appellant- defendant

Whether reporters of local Papers may be allowed to see the judgment?

without any right, title or interest was threatening to interfere in his possession.

Appellant- defendant took the plea that along with the plaintiff, Sher Singh and Bal Krishan were the co-owners and that said Sher Singh and Bal Krishan were in exclusive possession of khasra Nos. 692 and 693, measuring 2 Bighas, 9 Biswas and 6 Biswansis and that they had sold their share in the suit property to them (the appellants- defendants) in the year 1981-82 and delivered the possession to them and ever since they had been in possession of the aforesaid two khasra numbers.

Trial court returned the finding that said Sher Singh and Bal Krishan had never sold the aforesaid two khasra numbers to the appellant- defendant and hence they could not claim any right, title or interest in the suit land. Consequently, the suit was decreed. District Judge, who was approached in appeal, endorsed the finding and decree of the trial court.

I have heard the learned counsel for the appellant and gone through the record. The record shows that only an agreement to sell was executed in favour of the present appellant by Sher Singh and Bal Krishan in the year 1982, but it appears that the aforesaid agreement did not materialise into sale. Sher Singh and Bal Krishan, as per entry in the revenue record later on transferred their share in favour of the plaintiff and mutation was accordingly attested in April, 1998. There is no documentary evidence in support of the defendants- appellants' plea that they have been in possession of the aforesaid two khasra numbers. Both the courts below have discussed the entire evidence and

returned the finding that the appellants are stranger to the suit property and are not in possession of any portion thereof.

No substantial question of law arises. Hence the appeal is dismissed.

CMP No. 34 of 2006.

Interim order dated 28.2.2006, is vacated and the application is dismissed.

**May 8, 2006.
(Hem)**

**(Surjit Singh),
Judge.**